

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

MOTION FOR RELIEF FROM STAY

COMES NOW creditor José Miguel Malvet Santiago, through the undersigned legal counsel, and respectfully sets forth and prays:

1. In accordance with the applicable case management procedures, Movant sent a lift of stay notice on 25 July 2018 to counsel for Oversight Board and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) to advise them of Movant’s intent to seek relief from the Title III Stay at least fifteen (15) business days prior to filing a motion seeking such relief (the “Lift Stay Notice Period”) and (b) meet and confer with the Commonwealth during the Lift Stay Notice Period.

2. Movant sought the lift of stay of his case pending before the Commission for Appeals of Public Service (“CASP”), *José Miguel Malvet v. Administración de Corrección*, Case No. 2007-07-0025.

3. Movant’s Case sought a decision on his claim for wrongful termination and loss of wages.

4. Unfortunately, the Commonwealth and Movant met and conferred but could not reach an agreement.

5. Movant is presently seeking from the Honorable Court an order relieving him from the automatic stay so he can continue his case before the CASP.

6. Section 362(d)(1) of Title 11 of the United States Code grant power to a court to grant relief from the automatic stay for cause. In assessing if cause exists to lift the automatic stay, courts rely on the factors enumerated by the United States Court of Appeals for the Second Circuit in *In Re Sonnax Indus., Inc.*, 907 F.2d 1280, 1286 (2d Cir.1990) (“Sonnax”).

7. To wit, the pertinent “Sonnax Factors” for Movant’s request are:
- a. whether relief would result in a partial or complete resolution of the issues
 - b. lack of any connection with or interference with the bankruptcy case
 - c. whether a specialized tribunal with the necessary expertise has been established to hear the cause of action
 - d. whether litigation in another forum would prejudice the interests of other creditors
 - e. the interests of judicial economy and the expeditious and economical resolution of litigation
 - f. whether the parties are ready for trial in the other proceeding
 - g. the impact of the stay on the parties and the balance of harms.

8. The purpose of Movant’s request is to reach a judgment that will validate his claim in the instant case. Movant’s Case was nearing judgment when it was stayed and it needs continuance in the appropriate administrative forum.

9. Furthermore, the remedy Movant seeks will not prejudice the interests of other creditors and it will not interfere with the continuation of the proceedings in the case of caption.

WHEREFORE, Movant respectfully requests from the Honorable Court to take notice the foregoing and enter an order lifting the automatic stay on Case No. 2007-07-0025 before the Commission for Appeals of Public Service.

CERTIFICATE OF SERVICE

I hereby certify that, on 24 September 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record and parties in the Master Service List.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed.R.Bank.P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court of the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless; (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court the interest of justice requires otherwise.

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